

REMARKS

Claims 1, 2, 4-9, 11-16, 18-25, 27-34, 36-43, and 45-52 are pending. Claims 1, 8, 15, 24, 33, and 42 are independent claims.

All of the pending claims stand rejected under §103(a) as obvious over the Powerball game in further view of DeFrees '534, as set forth in paragraphs 1 through 7 of the Office Action. This rejection is premised on the assertion that the well known Powerball game includes all of the game limitations set forth in the respective independent claims. Applicant respectfully submits that the present game as set forth in the independent claims is fundamentally different from the well known Powerball game, as discussed below.

Aspects of the present game as set forth in the independent claims will be explained with reference to the embodiment of the games set forth in paragraphs 0078 through 0089 of the present specification.

The wagering game set forth in the independent claims includes multiple wagering game occurrences with individual respective prizes. In a first occurrence of the wagering game, input is received from a player corresponding to a first entry. The first entry comprises a first subset containing between 1 and less than a predetermined maximum number of game indicia selected from a range of game indicia. The player selects the total number of game indicia within the first subset. For example, in the embodiment described in the cited passages, the predetermined maximum number of game indicia may be 11, corresponding to an "11-spot" game. The player thus selects between 1 and less than 11 game indicia from the range of game indicia. In the illustrated embodiment, the player selects 5 (corresponding to a player's 5-spot entry). Each of the numbers within the first subset is unique, and each number in the total

range of numbers from which the first subset is selected is unique. In the illustrated embodiment, the player's numbers in the first subset are 2, 11, 44, 59, and 69, and were selected from the range of numbers 1 to 80.

The independent claims further call for randomly selecting a supplemental entry for the player in a second occurrence of the wagering game, wherein the supplemental entry comprises a second subset containing a number of game indicia equal to the predetermined maximum number minus the number in the first subset. For example, in the illustrated embodiment, the maximum number was 11 and the player selected 5 numbers. Thus the randomly selected subset will include 6 numbers that exclude the numbers in the first play set. In the illustrated embodiment, the supplemental entry is a 6-spot entry consisting of the numbers 6, 23, 46, 58, 79, and 80.

The independent claims call for the second occurrence of the wagering game to be based solely on a combination of the game indicia from the first subset and the second subset. For example, in the illustrated embodiment, the second occurrence of the wagering game is the combination of the first and second entries and thus includes the numbers 2, 6, 11, 23, 44, 46, 58, 59, 69, 79, and 80.

A drawing subset is randomly generated from the range of game indicia. Each indicia in this drawing subset is unique and is selected independently of the game indicia of the first subset and second subset. In the first occurrence of the wagering game, the game indicia of the drawing subset is compared only to the game indicia of the player's first subset (i.e., the player's 5-spot entry). A prize may be awarded based on the level of correspondence between the game indicia of the first subject and the game indicia of the drawing subset.

In the second occurrence of the wagering game, the game indicia of the drawing subset is compared to the combined game entry of the first and second subsets, and a prize may be awarded based on the level of correspondence between the game indicia of the drawing subset and the game indicia of the combined entry subsets.

The conventional Powerball game is fundamentally different from the game described above and set forth in the independent claims of the present application. In a typical Powerball game, a player selects the maximum of numbers designated for the game, for example 5 numbers. The player either dictates these numbers, or the numbers are randomly generated for the player at their option. However, there is no configuration of Powerball wherein the player has their choice to select between 1 and a predetermined maximum number of indicia. For example, the player cannot select 2 numbers while the gaming system selects the other 3 numbers. This is true for the “red ball” as well. The player either selects this number in the same selection process, or the game system will randomly generate the number. Regardless of how the numbers are generated, to participate in the game, the player has a first subset or entry consisting of 5 numbers from a range of designated numbers, and a “red ball” number from a second range of numbers. The “red ball” number may actually be one of the numbers in the first set of 5 numbers. In other words, the “red ball” numbers are not unique such that the “red ball” number is not contained in the first subset, as called for in the present independent claims.

The conventional Powerball game does provide a number of different ways in which to “win” at the game, but all such winning combinations are the result of a single occurrence of a wagering game. In other words, after all of the players’ selections have been made, the gaming system generates the Powerball game indicia, which includes 5

numbers and a “red ball” number. A “win” is determined based on the correspondence of the players’ numbers and the game numbers. This scenario does not include separate multiple wagering game occurrences, but simply includes multiple prizes awarded for the same game occurrence.

Even if selection of the “red ball” number in a Powerball game were to be considered as a “supplemental entry for the player”, it cannot reasonably be asserted that this supplemental entry is in any way the result of a process wherein a second subset of game indicia is generated by subtracting the number of game indicia in the player’s first subset from a predetermined maximum number of game indicia, as set forth in the present claims.

With the present game, if the combination game is a 12-spot game (the “12” corresponding to the predetermined maximum number), a player may elect to play a 1-spot game in the first game occurrence, and will have a corresponding 11-spot supplemental entry generated by the lottery system. Likewise, a player electing to play a 2-spot game will have a corresponding 10-spot supplemental entry generated by the lottery system, and so forth. With this process, the player is provided with the option of playing their preferred spot game (i.e. a lesser spot game with greater chance of winning) while all of the players are allowed to participate in the combined game and have the opportunity to win a larger jackpot offered by the combined game. These benefits are not possible with any configuration of a conventional Powerball game.

Accordingly, applicant respectfully submits that each of the independent claims patentably distinguishes over a conventional Powerball game, and is not rendered obvious by a Powerball game alone or in combination with any other reference of record, including DeFrees ‘543. Even if one skilled in the art were to choose to play a

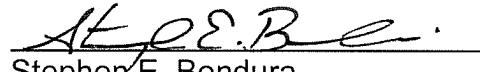
Powerball game as the lottery game offered by the terminal of DeFrees '543, such combination does not remedy the fundamental differences between a Powerball game and the game of the present claims, as discussed above.

Accordingly, applicant respectfully submits that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING, P.A.

By:


Stephen E. Bondura
Registration No.: 35,070

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
fax (864) 233-7342